

3 It is submitted that the amended claims are fairly based on the specification as filed and do not introduce any new matter not disclosed in the original specification.

4 Applicant includes with this response a set of un annotated claims with  
5 amendments implemented.

## REMARKS

### Claim Objections

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The revised claims address the objection to claims 37 - 52 .

The Applicant has accepted the examiner's invitation to rewrite claims 37 – 52 in independent form including limitations of the base claims and intervening claims.

Applicant notes that claim 53 now claim 71 is allowable.

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### Claim Rejections -35 USC § 102

Claims 27 – 36 stand rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US Pat. No. 5,501,646). In response to this objection the applicant  
20 has revised the claims so that claims 37-52 have been rewritten in independent form.

### Miller 5,501,646

This citation discloses a jaw and neck muscle exercise apparatus which includes a spring  
25 loaded support arm attached to a soft chin support on one end and to a chest plate on the other end. The chest plate is strapped around the chest bone/collar bone area and the back of the neck by a collar strap. The lower jaw may then be exercised by opening the mouth or lowering the entire head against the resistance of the spring. This device is for toning the face, chin and neck eliminating fatness below the chin and wrinkles. It is submitted  
30 that the Applicant's device as disclosed in the amended claims has not only the limitation that it is used for arm exercises but features of structure which it is submitted distinguish